

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

GODSPEED PROPERTIES, LLC, )  
 )  
Plaintiff(s) )  
 )  
vs. )  
 )  
JOHN REEVES and FAIRBANKS )  
GOLD COMPANY, LLC, )  
 )  
Defendants. )  
 )  
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 )  
JOHN REEVES and FAIRBANKS )  
GOLD COMPANY, LLC, )  
 )  
Third-Party Plaintiffs )  
 )  
vs. )  
 )  
GOLD DREDGE 8, LLC, )  
 )  
Third-Party Defendant. )  
 )  
----- ) Case No. 4FA-12-02133 CI

**ORDER RE: AMENDING JUDGMENT AND PERMANENT INJUNCTION**

On April 14, 2021, a hearing was held to address amendments to the July 3, 2020 Judgment and Permanent Injunction. Amendment is necessary because the road that the judgment contemplated would be built in summer 2020 was not built.

At the close of the hearing, the court stated it would review the pleadings and evidence to see if the court had overlooked evidence indicating that building the road and dedicating it to the public would take longer than one year as asserted in the affidavit of Albert Macica filed with Mr. Reeves's Motion for Reconsideration of Judgment (filed Jul. 16, 2020).


The court has reviewed Reeves' Affidavit in Response to Godspeed's Proposed Use (dated Jan. 16, 2020), Reeves' Motion for Reconsideration of Judgment (filed Jul. 16, 2020), Godspeed's Motion for Clarification (filed Jul. 16, 2020) and Reeves' response thereto (filed Jul. 27, 2020), and the orders denying both of those motions. The court has also reviewed portions of Mr. Reeves's September 4-5, 2018 testimony at the preliminary injunction hearing and portions of the June 11, 2020 hearing that resulted in the Order Regarding Reasonable Accommodation & Vacating Preliminary Injunction (entered on Jul. 3, 2020).

In September 2018, Mr. Reeves testified that it was possible for him to build a road within the easement through mid-October. He testified that he could construct a gravel road in Fairbanks through the winter; however, he qualified that statement by noting that it makes no financial sense to do so. In his January 16, 2020 affidavit, Mr. Reeves stated he would construct a road through the easement regardless of whether he could dedicate the road to the public. At the June 11, 2020 hearing on whether there could be reasonable accommodation of uses for the dominant and servient estates, Mr. Reeves, through counsel, stated he was ready to immediately build his road regardless of future plans regarding dedication: "Mr. Reeves is ready, if the court lifts the injunction, he will hire a surveyor to survey this road . . . to confirm the location, and he will put in a road and he will start building it and do it either himself or hire someone to do it." These statements were relied upon by the court in forming its Order Regarding Reasonable Accommodation & Vacating Preliminary Injunction and in crafting the provisions of the Judgment and Permanent Injunction.

Based on this review, the court affirms its finding in the Order Denying Reeve's Motion for Reconsideration (entered Sept. 4, 2020) that any claim that Mr. Reeves is unable to begin constructing a road until he gets borough approval of the public dedication of the road was not raised

before the final judgment entered. Paragraph 3.a. of the final judgment will be amended to require Godspeed to remove its improvements from within the easement by June 15, 2021. Paragraph 3.b. of the final judgment will be amended to require Reeves to construct the road by March 1, 2022. The court also affirms its interpretation of paragraph 3.f. of the judgment stated at the April 14, 2021 hearing: If the future costs to Mr. Reeves of dedicating the road to the public are greater than they otherwise would have been as a result of the existence of Godspeed's improvements within the easement area, Godspeed has to bear the increased costs.

Dated this 21<sup>st</sup> day of April, 2021 at Fairbanks, Alaska

  
PAUL R. LYLE  
Superior Court Judge

I certify that on 4/21/21  
copies of this form were sent to  
Clerk: Findley, Kramer, Sheehan  
